

COUNCIL COMING ATTRACTIONS



Tuesday, June 28, 2016

County's Fiscal Plan, Water Quality, Composting, Earned Sick and Safe Leave and More



Council Coming Attractions is a summary of some of the issues before the Council. All Council staff reports and additional information on each item scheduled for Council or Committee review can be viewed at: <http://www.montgomerycountymd.gov/council/packet/index.html>.


Also the Council meeting schedule may change from time to time. The current Council agenda can always be viewed at:

http://www.montgomerycountymd.gov/council/resources/files/agenda/col/current_agenda.pdf.

The Council Session is scheduled to begin at 9:30 a.m. with a proclamation presentation.

-  Proclamation recognizing the Sherwood High School softball team for winning its fifth straight Maryland 4A state softball title by Councilmember Navarro.

Other Council Highlights

-  Resolution to Approve the Tax Supported Fiscal Plan Summary for FY17-22 Public Services Program
The Council will vote on this resolution. The GO Committee recommends approval of the County's Fiscal Plan for FY12-22. Council Administrator Steve Farber's report can be viewed at: http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=149&event_id=4559&meta_id=123832.
 - Section 302 of the County Charter states in part: "The County Executive shall submit to the Council, not later than March 15 of each year, comprehensive six-year programs for public services and fiscal policy. The six-year programs shall require a vote of at least five

Councilmembers for approval or modification. Final Council approval of the six-year programs shall occur at or about the date of budget approval.”

- On June 29, 2010 the Council voted to approve Resolution No. 16-1415 which states, “The County should adopt a fiscal plan that is structurally balanced, and that limits expenditures and other uses of resources to annually available revenues. The fiscal plan should also separately display reserves at policy levels, including additions to reserves to reach policy level goals.”
- The FY17-22 Fiscal Plan reflects current fiscal projections and policy assumptions. As fiscal conditions change, the plan will need to be updated.



Bill 27-16, Human Rights and Civil Liberties-Earned Sick and Safe Leave-Eligibility

The Council will introduce Bill 27-16. Councilmember Leventhal is the lead sponsor. Council Vice President Berliner is a cosponsor. A public hearing is scheduled for July 19 at 1:30 p.m. Bill 27-16 would exempt a seasonal employee who works less than 120 calendar days a year at an amusement or recreational program that operates less than 120 calendar days a year in the County from the earned sick and safe leave law. It would also provide that an employee working in the County who is paid exclusively on commission accrues only unpaid sick and safe leave. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=149&event_id=4559&meta_id=123834 .



Bill 28-16, Solid Waste (Trash) Strategic Plan on Composting

The Council will introduce Bill 28-16. Council Vice President Berliner is the lead sponsor. Councilmembers Katz and Hucker are cosponsors. A public hearing is scheduled for July 19 at 1:30 p.m. Bill 28-16 would require the Director of the Department of Environmental Protection to develop a Strategic Plan to Advance Composting, Compost Use and Food Waste Diversion in the County by July 1, 2017. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=149&event_id=4559&meta_id=123836 .

- In developing the Strategic Plan, the Director would be required to consult with many organizations inside and outside of County government.
- The Strategic Plan would provide recommendations on legislative changes needed to reduce food waste and promote composting and identify potential new county policies and initiatives to reduce food waste and promote composting in the County.
- The Director would be required to submit an annual report on the progress toward achieving the goals of the Strategic Plan by July 1 of each year.



Bill 16-16, Personnel-Benefits for Domestic Partner of Employee-Repeal

The Council will vote on Bill 16-16. Councilmember Leventhal is the lead sponsor. The GO Committee recommends enactment with amendments. The Committee amended the grandfather clause in Bill 16-16 to permit a current employee who is currently receiving these benefits or who applies for these benefits before the date of enactment to continue to receive these benefits. The bill would repeal the law requiring the County to provide domestic partner benefits to eligible County employees. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=149&event_id=4559&meta_id=123838 .

- Last year, the U.S. Supreme Court held that the right to marry is a fundamental right that must be provided to same-sex couples in *Obergefell v. Hodges*. This case changed the legal framework underlying the County’s domestic partner benefits law.
- Except for members of the police and fire bargaining units, a County employee with a same-sex domestic partner can obtain health and insurance benefits for a partner without marriage and an employee with a domestic partner of the opposite sex must marry his or her domestic partner to obtain these benefits.
- The original purpose of the domestic partner benefits law no longer applies because same-sex couples are guaranteed the right to marry in all states.



Bill 17-16, Contracts and Procurement-Equal Benefits for Domestic Partner-Repeal

The Council will vote on Bill 17-16. The GO Committee recommends enactment. The lead sponsor is Councilmember Leventhal. The bill would repeal the equal benefits law requiring a County contractor to provide same-sex domestic partner benefits to its employees. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=149&event_id=4559&meta_id=123840.

- Bill 37-09, Contracts and Procurement – Equal Benefits, was enacted on February 2, 2010 and signed into law on February 16, 2010. Code §11B-33D(b) provides: “A contractor or subcontractor must provide the same benefits to an employee with a domestic partner as provided to an employee with a spouse. If a benefit cannot reasonably be provided to a domestic partner, the contractor or subcontractor must pay the employee the cash equivalent.”



Bill 18-16, Commercial Property Assessed Clean Energy Program-Amendments

The Council will vote on Bill 18-16. The T&E Committee recommends enactment. Council President Floreen is the lead sponsor, at the request of the County Executive. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=149&event_id=4559&meta_id=123842.

Bill 18-16 would: amend the definition for commercial property; require a third-party lender to record the loan in the County land records; modify certain eligibility requirements for a loan under the program; and generally amend County law regarding the Commercial Property Assessed Clean Energy Program.



Expedited Bill 21-16, Property Tax Credit-Burtonsville Enterprise Zone Property-Personal Property

The Council will vote on Bill 21-16. The lead sponsor is Councilmember Hucker. Cosponsors are Councilmembers Elrich and Navarro. A public hearing was held on June 21 at 1:30 p.m. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=149&event_id=4559&meta_id=123844.

Bill 21-16 would allow a property tax credit for certain personal property owned by certain business entities located in the Burtonsville Crossroads Neighborhood Plan and would amend certain definitions for the Burtonsville Enterprise Zone property tax credit. The state law authorizing the County to adopt this tax credits allows the credit to extend to personal property owned by an eligible business entity located on qualified property. Bill 21-16 mirrors the state law authorizing the credit.



Expedited Bill 11-16, Stormwater Management-Water Quality Protection Charge-Grants-Credits

The Council will vote on Expedited Bill 11-16. The T&E Committee recommends approval. Council President Floreen is the lead sponsor, at the request of the County Executive. A public hearing is scheduled for April 26 at 1:30 p.m. the staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=149&event_id=4559&meta_id=123846.

The bill would:

- authorize establishment of a watershed restoration grant program for certain owners of improved aircraft landing areas to offset the cost of the Water Quality Protection Charge;
- clarify the eligibility criteria for a property owner to receive a Water Quality Protection Charge credit; and
- expand the timeframe for a property owner to appeal the denial of a request for a credit or adjustment of the amount of the Water Quality Protection Charge billed to the property owner.



Executive Regulation 12-16, Water Quality Protection Charge

On June 16, 2016 the Executive transmitted Executive Regulation 12-16 to the Council. The T&E Committee recommends approval by a 2-1 vote. Council President Floreen recommended that the Executive Branch submit an amended regulation after additional evaluation of the credit issue. Council President Floreen believes that an individual should not be penalized because standards change over time. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=149&event_id=4559&meta_id=123848.

The regulation includes the following changes:

- Consistent with Expedited Bill 45-15 (enacted in November 2015), the regulation now defines the Water Quality Protection Charge as an excise tax.
- Consistent with Expedited Bill 11-16 (as discussed above), the time to request reconsideration/appeal of decisions regarding the charge amount, credits, and hardship exemptions is extended from 10 to 30 days.
- Consistent with Expedited Bill 11-16, language is included providing a grant request process for improved aircraft landing areas that are exempt from County property taxes.
- Consistent with Expedited Bill 11-16, the regulation adds language noting that the credit can be revoked if the property owner does not keep the stormwater management facilities in proper working condition.
- Consistent with Expedited Bill 11-16, the regulation clarifies that to be eligible for credits, a stormwater management system must be maintained by the property owner exclusively (i.e., both non-structural and structural maintenance). Regulation 12-16 goes further than Expedited Bill 11-16 and provides an exception to this requirement for a “stormwater management system built as part of a County-approved stormwater management participation project.”
- The calculation of the credit is modified in several ways including:
 - ✓ The credit award is based on the proportion of the volume of water treated on site.
 - ✓ Properties utilizing traditional stormwater management facilities are eligible for a credit up to 60 percent (currently 50 percent).
 - ✓ Properties utilizing environmental site design (ESD) facilities to the maximum extent practicable are eligible for a credit up to 80 percent.
 - ✓ The maximum credit for treating off-site stormwater is increased up to 100 percent.



Fire, Rescue, Emergency Medical Services and Community Risk Reduction Master Plan

The Council will vote on this master plan. The PS Committee recommends approval.

The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=149&event_id=4559&meta_id=123850.

- The County Code requires the Fire Chief to develop a master fire, rescue and emergency service master plan for approval by the County Executive and Council.
- The purpose of the plan is to establish a proactive, rational and attainable blueprint for the continued delivery of effective and efficient fire, rescue, emergency medical services, special operations and community risk reduction services to meet the mission of the Montgomery County Fire and Rescue Service (MCFRS).
- The plan updates and replaces the current 2005-2015 Master Plan. Previous plans have covered a 10-year period. The Fire Chief has adjusted the master plan timeframe to a six-year planning period, which more closely follows the County’s six-year planning process for capital improvements and reflects the rapidly changing pace of demographic and economic conditions.



County to Ashburn Fiber Connection

The Council will receive a briefing from staff on ultra-broadband fiber network connectivity with Ashburn. The following individuals are expected to participate in the briefing: Sonny Segal, chief information officer, DTS; Lily Qi, assistant chief administrative officer; Mitsuko Herrera, policy, planning and special projects, DTS. Last month, USA Fiber, a dark fiber provider, and the state

signed a resource-sharing agreement that will connect Baltimore with Ashburn, Va. along a direct line under the Potomac River. This agreement will enable Maryland to offer new levels of connectivity and security. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=149&event_id=4559&meta_id=123852.

- The agreement means that customers can have equipment in either state and access all the cloud applications directly without needing a carrier to transport their services.
- This agreement is especially significant for the County because 90 percent of the internet traffic on the East Coast flows through Ashburn data centers.
- County officials are encouraging private providers to lease the fiber and are working to let FiberNet, the County's flagship fiber-optic communications network, serve as an on-ramp on an open-access basis.



Resolution to Approve Amendments to the FY17 Transportation Fees, Charges and Fares to Extend the Hours of Free Bus Fares for Seniors

The Council will hold a public hearing and vote on this resolution. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=149&event_id=4559&meta_id=123856.

- According to the County Code, all fees, charges, and fares for any transportation or transportation-related service or product provided by the Department of Transportation must be set by Council resolution adopted after a public hearing and approved by the Executive. The Council passed such a resolution on May 18.
- An amendment is needed to the May 18 resolution to extend the Seniors Ride Free Program to Saturdays to include the hours of 9:30 a.m. to 3 p.m. beginning Sept. 3. The resolution will implement the Council's budget action to expand this program.



Special Appropriation to the FY16 Capital Budget and Amendments to the FY15-20 CIP, Montgomery County Public Schools-\$2,173,494 for Technology Modernization (Federal E-rate Reimbursement)

The Council will hold a public hearing and vote on this special appropriation. The staff report can be found at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=149&event_id=4559&meta_id=123858.

The Board of Education requested this appropriation and CIP amendment on May 26. The ED Committee discussed this appropriation request during its budget deliberations this spring regarding the Technology Modernization project and recommended approval of the appropriation. This appropriation is necessary so that MCPS can spend the anticipated Federal E-rate Reimbursement Funding that it requests and the Council appropriates as one of the funding resources for the MCPS Technology Modernization capital project.



Supplemental Appropriation to the County Government's FY17 Capital Budget and Amendment to the FY15-20 CIP, Dept. of Economic Development: \$19,500,000 for Conference Center Garage (State Aid)

The Council will hold a public hearing and vote on this supplemental appropriation. The Executive recommended an amendment to the FY15-20 CIP and supplemental appropriation to the FY16 Capital Budget in the amount of \$19,500,000 for the Conference Center Garage. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=149&event_id=4559&meta_id=123860.

- This appropriation is necessary to execute the contract to construct a parking garage to accommodate the current and future parking needs of the Bethesda North Conference Center, which is jointly owned by the County and the state.
- The project is necessary to replace the parking spaces that will be lost as a result of the construction and realignment of roads in White Flint. The realignment of Executive Blvd and the construction of Market Street will result in a significant reduction in the number of available surface parking spaces.



Supplemental Appropriation to the County Government's FY16 Capital Budget and Amendment to the FY15-16 CIP for MD 355 Crossing (BRAC) (Source: Federal Aid)

The T&E Committee recommends approval. The Executive recommended a supplemental appropriation to the FY16 Capital Budget and amendment to the FY15-20 Capital Improvements Program in the amount of \$36,000,000 for MD 355 Crossing (BRAC). The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=149&event_id=4559&meta_id=123862.

- The appropriation for this project will fund design and construction of a multi-modal grade separated connection between the Walter Reed National Military Medical Center and the Medical Center Metro Rail station improvements to support mobility, traffic operations and pedestrian safety in the Bethesda-Chevy Chase area.
- This increase is needed because price proposals received for the project exceed the available funding.
- The recommended amendment is consistent with the criteria for amending the CIP because the project leverages significant non-County sources of funds.



Expedited Bill 22-16, Sligo Creek Holdings, LLC, doing business as The Siena School-Lease Amendment

The Council will hold a public hearing and vote on Expedited Bill 22-16. Council President Floreen is the lead sponsor, at the request of the Maryland-National Capital Area Park and Planning Commission. Expedited Bill 22-16 would approve an amendment to a lease between M-NCPPC and Sligo Creek Holdings, LLC, a Maryland limited liability company, doing business as The Siena School, for land in Sligo Creek Stream Valley Unit #4.

The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=149&event_id=4559&meta_id=123868.

- The M-NCPPC leased 1.47 acres of park land to the Siena School on July 29, 2011. The lease was amended on May 30, 2012 and June 29, 2012 and currently expires on June 29, 2032.
- The Siena School prepares college-bound students with language-based learning differences, such as dyslexia, to become confident learners who understand their personal strengths and gain the tools and strategies to excel.
- The leased property is being used for school staff parking, student drop-off and busses in conjunction with the adjacent improved property owned by the Siena School.
- The Siena School requested a lease amendment to add 4 years to the term of the lease to support a 20-year loan the school is seeking to obtain for capital improvements.



Expedited Bill 23-16, Special Capital Improvements Project-Kensington Fire Station 25

The Council will hold a public hearing and vote on Expedited Bill 23-16. Council President Floreen is the lead sponsor, at the request of the Executive. The County Charter and County Code require certain capital improvement projects to be individually authorized by law if the locally-funded cost is projected to exceed \$15,072,000 in FY17 dollars. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=149&event_id=4559&meta_id=123870.